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09/786,305	05/06/2002	Craig B. Labrie	TRM DV2539	8328

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EXAMINER

ENGLISH, PETER C

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/786,305

Applicant(s)

LABRIE ET AL.

Examiner

Peter C. English

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 15-17, 20-27 and 29-41 is/are rejected.
- 7) ☒ Claim(s) 11, 14, 18, 19 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11082001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Oath/Declaration*

1. The declarations filed on 08 November 2001 and 06 May 2002 are defective because they inaccurately state that they are directed to the specification "attached hereto". The specification to which the declaration is directed must be accurately identified. See MPEP 601.01(a). A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

415, 432 and 444, shown in Figs. 31 and 32.

450, shown in Fig. 31.

415' and 432', shown in Figs. 33 and 34.

450', shown in Fig. 33.

3. The drawings are objected to because:

Fig. 15 appears twice, once on sheet 11 and again on sheet 12.

In Fig. 24, "220'" should be "220''".

In Fig. 26, the "circle A" is not shown (see page 8, line 19).

In Fig. 26, the tear seams 316 do not resemble one another (i.e., the upper tear seam is much wider than the lower one and resembles a hinge rather than a tear seam) and further do not resemble the tear seam 316 shown in Fig. 28 (i.e., they lack the groove shown in Fig. 28); and

In Fig. 29, "324'" should be "324", and "336'" should be "336".

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mold configured to form the shape of an air bag door having a tear seam, a trim panel integral with the door, and a tubular

Art Unit: 3616

channel (claims 40 and 41) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

6. The specification is objected to because:

At page 1, line 5, "attorney...P-764" should be "filed October 14, 1997".

At page 1, line 7, "attorney...P-755" should be deleted.

At page 1, line 8, "patent" should be deleted.

At page 1, line 9, "1999" should be "1998".

At page 7, line 23, "and" should be deleted.

At page 7, line 25, "construction." should be "construction;".

At page 8, lines 16-17, the brief description of Fig. 27 is inaccurate since Fig. 27 shows a vehicle door assembly, while Figs. 25 and 26 show an instrument panel assembly.

At page 8, line 18, "2" should be "26".

At page 9, lines 5-10 should be deleted since the drawings do not include Figs. 36-38.

At page 24, line 29, "422" should be "428".

At page 25, line 23, "are" should be inserted before "configured".

At page 27, line 17, "28, 30" should be "228, 230".

At page 28, lines 24, 25 and 28, "248'" should be "248".

At page 29, lines 22 and 25, "248'" should be "248".

At page 30, line 8, "350'" should be "350", 360'".

At page 30, lines 17, 23 and 25, "portion" should be deleted.

At page 31, line 6, "320" (each occurrence) should be deleted.

At page 33, lines 15-25, "Three examples...adjacent a tear seam 316." should be deleted since the drawings do not includes Figs. 36-38.

Art Unit: 3616

At page 34, line 3, "341" should be "326".

At page 34, line 17, "32" should be "332".

At page 34, line 18, "34" should be "334".

At page 34, lines 19-20, "Figure 29 and... of Figure 30," should be "Figure 29,".

At page 34, line 20, "a" should be deleted.

At page 35, line 16, "28" should be "27".

At page 35, line 17, "10" should be "310".

At page 36, line 9, "portion" should be deleted.

At page 36, lines 13 and 15, "361" should be "364".

Appropriate correction is required.

7. The specification is objected to because the detailed description of the drawings skips from a description of Figs. 1-17 (which concludes on page 23) to a description of Figs. 31-34 (pages 23-26), then back to a description of Figs. 18-30 (pages 26-36). This organization of the description is confusing. Appropriate correction is required.

8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to describe the reaction plate as being made of "thermoplastic urethane" (claim 17). Note that, at page 24, lines 29-32, the reaction plate is described as being made of "thermoplastic elastomer".

### ***Claim Objections***

9. Claims 1-39 are objected to because of the following informalities:

In claim 1, at line 12, "deployment and along" should be "deployment along".

In claim 23, at line 3, "door" should be inserted before "perimeter".

In claim 25, at line 2, "door" should be inserted before "outer surface".

In claim 27, at line 2, "pair" should be "first and second".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

10. Claims 40 and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to describe in any detail, and the drawings fail to show, a method of molding an air bag door assembly, as claimed in claims 40 and 41. The apparatus for practicing the method (including the "mold" recited in claims 40 and 41) is not described or shown. The details of the procedure that is followed is also not provided.

11. Claims 3-5, 12, 13, 23-25, 27, 29, 36-38, 40 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 4 are indefinite because they attempt to combine two separate elements into a single element. Claim 1 sets forth three separate elements: a support structure, a vehicle panel and an air bag dispenser. Claim 3 attempts to define the support structure and the vehicle panel as a single element, thereby contradicting claim 1.

Claim 4 attempts to define the support structure and the air bag dispenser as a single element, thereby also contradicting claim 1.

In claim 3, at line 2, the term "the interior vehicle panel" lacks proper antecedent basis. The examiner suggests: at line 2, delete "interior".

Claim 5 fails to accurately set forth the invention. None of the embodiments include a tether which is attached to the door. The tether is either attached to the panel or the support structure. It is noted that in some embodiments the pivotable panel portion is attached to the door.

Claim 12 is indefinite because, due to its dependency on claim 11, it combines multiple embodiments. Claim 11 is drawn to the embodiments of Figs. 1-17 and 25-30 (ribs extending inward from the door), while claim 12 is drawn to the embodiment of Figs. 31-34 (ribs extending inward from the reaction plate).

In claim 23, at lines 3-4, the term "the...second tubular [channel]" lacks proper antecedent basis. The examiner suggests: at line 2 change "structural" to "tubular".

In claim 29, at line 2, the term "a tubular channel" is indefinite because it is unclear whether this is the tubular channel of claim 21, or a different channel.

In claim 36, at line 10, "the outer surface is indefinite because more than one "outer surface" has been recited. The examiner suggests: at line 10, change "outer surface" to "outer surface thereof".

Claim 37 contains an improper Markush grouping. The examiner suggests: at lines 2-3, change "includes any one or more materials from a group of materials including" to "is selected from the group consisting of".

In claim 38, at line 4, the term "the air bag canister opening" lacks proper antecedent basis.

In claim 40, at line 5, the term "the closed position" lacks proper antecedent basis. The examiner suggests: at line 5, change "the" to "a".

Claim 41 is indefinite because it reintroduces the terms "an air bag door", "a door perimeter" and "a frangible marginal edge", rather than referring to the same terms which were introduced in claim 40.

Claims 40 and 41 are indefinite for the reasons given in item 1 above.

### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1- 10, 15, 30-33, 35 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Masutoshi et al. (JP 05185896). Masutoshi et al. discloses an air bag assembly comprising: an instrument panel 21 including a retainer 22, a layer of foam 23 and a skin 24; a U-shaped tear seam 26 and a hinge (see Figs. 5 and 6) formed in the retainer 22 and defining a door which is integral with the retainer; an air bag canister 30 containing an air bag 29 and secured to the retainer 22 (see Figs. 3-6); and a reaction plate 36 or 37 located between the air

Art Unit: 3616

bag 29 and the door, with a tether portion (see Figs. 5-8) of the reaction plate 36 or 37 secured to the retainer 22 and the canister 30 by screw fasteners 38 threaded into bosses extending inward from the retainer 22 (see Fig. 6). The tether portion of the reaction plate 36 or 37 is separated from a pivotal panel portion thereof by a hinge portion (see Figs. 5-8). As shown in Fig. 2, the door may have one or more arcuate corners.

14. Claims 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (JP 6-227351) or Inoac Corp. (JP 7-246900). Yamamoto et al. discloses an air bag door assembly including tubular channels 4 adjacent tear seams 2. The door assembly is formed by injection molding, and the tubular channels are formed by gas injection (see Figs. 1-5 and the abstract). Inoac Corp. discloses an air bag door assembly including tubular channels 14 adjacent tear seams 15. The door assembly is formed by injection molding, and the tubular channels are formed by gas injection (see Figs. 1-11).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).



Art Unit: 3616

17. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masutoshi et al. (JP 05185896). Masutoshi et al. meets all the limitations of claim 1 as set forth above but lacks a thermoplastic reaction plate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form Masutoshi et al.'s reaction plate from thermoplastic material in order to reduce the weight of the plate and provide it with greater flexibility. Further, such a modification involving the selection of a well-known alternative material is generally recognized as being within the level of ordinary skill in the art.

18. Claims 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masutoshi et al. (JP 05185896) in view of DiSalvo et al. (US 4,893,833) and Gallagher et al. (US 5,564,731). Masutoshi et al. meets all the limitations of claims 1 and 2 as set forth above but lacks an extensible, fanfolded tether portion and a tear seam which extends all the way around the door. Gallagher et al. teaches a tear seam 16 which extends all the way around a door 14, and an extensible tether portion 50. DiSalvo et al. teaches an extensible, fanfolded tether portion 26 (see column 4, lines 38-43). From these teachings of DiSalvo et al. and Gallagher et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masutoshi et al. by extending the tear seam all the way around the door and by providing the tether portion with fanfolds because this causes the door to provide less resistance to air bag deployment as the door opens and moves away from the opening in the instrument panel.

19. Claims 21-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masutoshi et al. (JP 05185896) in view of Yamamoto et al. (JP 6-227351) and Inoac Com. (JP 7-246900). Masutoshi et al. meets all the limitations of claim 1 as set forth above but lacks tubular channels on either side of the tear seam. Yamamoto et al. teaches an air bag door assembly including tubular channels 4 adjacent tear seams 2. The door assembly is formed by injection molding, and the tubular channels are formed by gas injection (see Figs. 1-5 and the abstract). As shown in Figs. 3 and 4, the channels 4 are on either side of the tear seam 2. Inoac Corp. teaches an air bag door assembly including tubular channels 14 adjacent tear seams 15. The door assembly is formed by injection molding, and the tubular channels are formed by gas injection (see Figs. 1-11). From these teachings of Yamamoto et al. and Inoac Corp., it would

Art Unit: 3616

have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masutoshi et al. by providing tubular channels on either side of the tear seam in order to insure that the door will open properly along the tear seam.

With respect to claim 25, the examiner takes Official notice that exterior styling lines are well-known in the art. It would have been obvious to provide the outer surface of the door assembly with a styling line in order to improve the appearance of the door assembly.

20. Claims 34, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masutoshi et al. (JP 05185896) in view of Ito et al. (US 5,395,668). Masutoshi et al. meets all the limitations of claim 31 as set forth above but lacks a hinge made of a different material than the door and retainer. Ito et al. teaches a fabric hinge 19 having opposite ends embedded in a door 13 and a retainer 11. From this teaching of Ito et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masutoshi et al. by providing a fabric hinge between the door and retainer in order to insure that the door will not separate from the retainer as it opens.

21. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masutoshi et al. (JP 05185896) in view of Nippon Plast. Co. (JP 9-240404). Masutoshi et al. meets all the limitations of claim 38 as set forth above but lacks an arcuate air bag dispenser. Nippon Plast. Co. teaches an arcuate air bag dispenser 13 used with a door 26 having arcuate tear seams (see Fig. 1). From this teaching of Nippon Plast. Co., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masutoshi et al. by providing an arcuate air bag dispenser, together with a matching arcuate tear seam, because this enables easy folding and expansion of the air bag (see the abstract of Nippon Plast. Co.).

#### ***Allowable Subject Matter***

22. Claims 11, 14, 18, 19 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3616

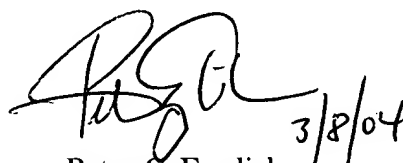
23. Claims 12, 13 and 29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

*Conclusion*

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 703-308-1377. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Peter C. English  
Primary Examiner  
Art Unit 3616

pe  
8 March 2004